

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:  
*County of Monroe, Michigan v. Purdue  
Pharma, L.P., et al.*  
Case No. 18-op-45158

MDL No. 2804

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP., CARDINAL HEALTH, INC.,  
AND McKESSON CORP.'S MOTION TO DISMISS (FED. R. CIV. P. 12(b)(6))**

Pursuant to Case Management Orders One [Dkt. 232] and Four [Dkt. 485], Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) move to dismiss the Second Amended Complaint in the above-referenced action with prejudice on the basis that it fails to state a claim upon which relief can be granted, for the reasons given in the accompanying memorandum of law, which is incorporated herein.

Pursuant to Case Management Order One Section 2.g, Distributors raise “only those issues they believe are most critical,” and pursuant to Section 2.j, Distributors do not waive and hereby preserve any defenses not addressed in the motion and reserve their right “to file an individual motion to dismiss” at the appropriate time.

Dated: June 8, 2018

Respectfully submitted,

/s/ Robert A. Nicholas

Robert A. Nicholas  
Shannon E. McClure  
**REED SMITH LLP**  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Tel: (215) 851-8100  
Fax: (215) 851-1420  
rnickolas@reedsmith.com  
smcclure@reedsmith.com

*Counsel for AmerisourceBergen Drug Corporation*

/s/ Geoffrey Hobart

Geoffrey Hobart  
Mark Lynch  
Christian Pistilli  
**COVINGTON & BURLING LLP**  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-5281  
ghobart@cov.com  
mlynch@cov.com  
cpistilli@cov.com

*Counsel for McKesson Corporation*

/s/ Enu Mainigi

Enu Mainigi  
F. Lane Heard III  
Steven M. Pyser  
Ashley W. Hardin  
**WILLIAMS & CONNOLLY LLP**  
725 Twelfth Street, NW  
Washington, DC 20005  
Tel: (202) 434-5000  
Fax: (202) 434-5029  
emainigi@wc.com  
lheard@wc.com  
spyser@wc.com  
ahardin@wc.com

*Counsel for Cardinal Health, Inc.*

**CERTIFICATE OF SERVICE**

I, Robert A. Nicholas, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Robert A. Nicholas  
Robert A. Nicholas